

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

ROOR INTERNATIONAL , BV and)	
SREAM, INC.,)	
Plaintiffs,)	19 C 5064
)	
v.)	Judge Gettleman
)	
MUTUAL TRADERS, LLC, et al)	
)	
Defendants.)	

JUDGMENT ORDER

This matter coming before the Court on Plaintiffs' Motion for Entry of Default Judgment under Rule 55(b), and after considering the prove-up materials and memorandum submitted by movant, the Court hereby finds, and it is ORDERED:

1. Plaintiffs filed their Complaint against the Defendant on July 26, 2019. (Dkt. 1).
2. Defendant MUTUAL TRADERS LLC d/b/a/ AMERICAN SMOKE & VAPE was served with process on October 21th, 2019. (Dkt. 7).
3. Defendant FARHAN PATEL was served with process on April 5, 2020. (Dkt. 22).
4. Defendant AIRAF JALIAWALA was served with process on April 5, 2020. (Dkt. 23).
5. The Defendants have failed to respond to the Complaint or otherwise appear in this instant action.
6. The Court entered a Rule 55(a) default against Defendants on August 6, 2020. (Dkt. 33).
7. Plaintiffs have filed prove-up materials and a memorandum of law.

8. In counterfeit trademark cases, the balance in setting statutory damages is providing some measure of compensation and deterrence, without crossing the line into over-deterrence. Relevant considerations include the nature and price of the product; the volume of sales (or an estimate depending on the size of the offending retail operation); any safety and health risks of the counterfeit goods; and the strength of the mark. See, e.g., *Republic Technologies (NA) LLC v. Smoke Shop for You XX, Inc.* 19 C 8462 (N.D. Ill. 2020) (Chang, J.).

9. Here, the investigator reported there were several offending RooR pipes being offered at the location. And on default willfulness is presumed.

10. Additionally, as the court in *Smoke Shop for You XX, Inc.*, concluded, “there actually is some health concern with counterfeit products that are designed to convey vapors into the body.” *Id.*

11. The amount of statutory damages sought in this case is in line with other awards made in this District. See, *id.*, *Technologies v. Smoke Shop for You XX, Inc.*, 19 C 8462 (imposing statutory damages in the amount of \$30,000; *Lakeview Smoke and Vape, Inc.* 19 C 6489 (Dow, J.)(imposing statutory damages in the amount of \$30,000; *Roor v. Smoker’s Zone*, 19 C 5014 (Lee, J.)(same).

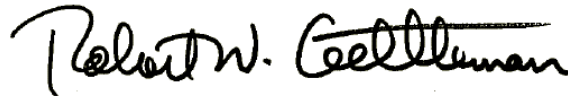
12. Accordingly, the Court awards \$30,000.00 in statutory damages. In addition to the statutory damages, \$568.90 is awarded for costs (the filing fee and service expense). The total judgment amount is thus \$30,568.90.

13. A separate AO-450 judgment shall be entered.

Judgment is entered in favor of ROOR INTERNATIONAL BV and SREAM, INC., and against MUTUAL TRADERS LLC d/b/a AMERICAN SMOKE & VAPE, FARHAN PATEL, and AIRAF JALIAWAL, jointly and severally in the amount of \$30,568.90.

Dated: August 24, 2020

ENTERED:

A handwritten signature in black ink, reading "Robert W. Gettleman". The signature is written in a cursive, flowing style with a horizontal line drawn through the middle of the name.

Hon. Robert W. Gettleman
United States District Judge